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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 246152023300
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/510,660
INTERNATIONAL APPLICATION NO. PCT/NL03/00262	INTERNATIONAL FILING DATE 7 April 2003	PRIORITY DATE CLAIMED 9 April 2002
TITLE OF INVENTION PROCESS FOR THE PREPARATION OF ENANTIOMERICALLY ENRICHED COMPOUNDS		
APPLICANT(S) FOR DO/EO/US Bernardus Henricus Nicolaas DASSEN et al.;		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 (3 pages)
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Form PTO-1449 (2 pages + duplicate); 26 References; Return Receipt Postcard.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

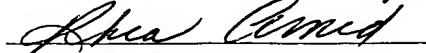
U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/510,660		INTERNATIONAL APPLICATION NO. PCT/NL03/00262		ATTORNEY'S DOCKET NUMBER 246152023300	
21. The following fees are submitted: <input type="checkbox"/> a) Basic national fee\$300.00 <input type="checkbox"/> b) Examination fee\$200.00 <input type="checkbox"/> c) Search fee\$500.00 TOTAL OF ABOVE CALCULATIONS = \$1000.00					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x		
Independent claims	- 3 =		x		
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+		
TOTAL OF ABOVE CALCULATIONS =					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).					
TOTAL NATIONAL FEE =					
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property					
TOTAL FEES ENCLOSED =					
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1952</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: Kate H. Murashige MORRISON & FOERSTER LLP 3811 Valley Centre Drive - Suite 500 San Diego, CA 92130 (858) 720-5112 CUSTOMER NO. 25225					
				SIGNATURE: <u>Kate H. Murashige</u> Kate H. Murashige	
				REGISTRATION NO: 29,959	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 1-12-05Signature: Rhea Amid (Rhea Amid)

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 12, 2005.


Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Bernardus Henricus Nicolaas DASSEN et al.

Serial No.: 10/510,660

Filing Date: (Int'l) April 7, 2003

For: PROCESS FOR THE PREPARATION OF
ENANTIOMERICALLY ENRICHED
COMPOUNDS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The document numbers 16, 25, and 26 listed on the attached Form PTO-1449 were cited in an International Search Report (copy attached) mailed on August 26, 2003 directed to a

The document numbers 16, 25, and 26 listed on the attached Form PTO-1449 were cited in an International Search Report (copy attached) mailed on August 26, 2003 directed to a counterpart international or foreign application. For document numbers 4 and 5, Applicants also submit the U.S. equivalent patents as English translations.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **246152023300**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 12, 2005

Respectfully submitted,

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125

Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 246152023300

Application Number 10/510,660

Applicant

Bernardus Henricus Nicolaas DASSEN et al.

Filing Date (Int'l) April 7, 2003

Group Art Unit Not Yet Assigned

Mailing Date: January 12, 2005

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/1978	4,072,698	Hylton et al.	260	465	
	2.	07/1987	4,683,324	Gastrock et al.	558	354	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	3.	06/2000	EP 1,013,773	Europe			
	4.	01/1973	FR 2,141,354	France			US Pat.
	5.	04/1979	JP 79/48,729	Japan			US Pat.

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	6.	Boesten et al., Org. Lett. (2001) 3:1121-1124
	7.	Bose et al., Synthesis (1999) 1724-1726
	8.	Byrne et al., Tetrahedron Lett. (2000) 41:873-876
	9.	Corey et al., Org. Lett. (1999) 1:157-160
	10.	International Search Report for PCT/NL03/00262, mailed on August 26, 2003, 2 pages
	11.	Ishitani et al., Angew. Chem. (1998) 37:3186-3188
	12.	Kawashiro et al., Chem. Lett. (1976) 417-418
	13.	Krueger et al., J. Am. Chem. Soc. (1999) 121:4284-4285
	14.	Layh et al., Appl. Microbiol. Biotechn. (1997) 47:668-674
	15.	López-Serrano et al., Tetrahedron Asymm. (2001) 12:219-228
	16.	Matthews et al., Tetrahedron Lett. (1989) 30(38):5157-5158
	17.	Nakai et al., Bull. Inst. Chem. Res. Kyoto Univ. (1992) 70:333-337
	18.	Podlech et al., Houben-Weyl Methods of Organic Chemistry, 4 th ed., Vol. 22a, (2002) pp. 41-165

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 246152023300

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Group Art Unit Not Yet Assigned

Mailing Date: January 12, 2005

- | | |
|-----|---|
| 19. | Reinhold et al., J. Org. Chem. (1968) 33:1209-1213 |
| 20. | Romeo et al., Tetrahedron Lett. (1971) 21:1799-1802 |
| 21. | Rossi et al., J. Org. Chem. (1978) 43:2576-2581 |
| 22. | Sigman and Jacobsen, J. Am. Chem. Soc. (1998) 120:4901-4902 |
| 23. | Sigman and Jacobsen, J. Am. Chem. Soc. (1998) 120:5315-5316 |
| 24. | Stout et al., J. Org. Chem. (1983) 48:5369-5373 |
| 25. | Tinapp, Archiv Der Pharmazie (1982) 315(4):307-311 |
| 26. | Umio, J. of the Pharmaceutical Society of Japan (1958) 78:1072-1074 |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.